

NEW YORK STATE DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

BPMC No. 19-039

IN THE MATTER
OF
JOEL LAURY, M.D.

COMMISSIONER'S
ORDER OF
SUMMARY
ACTION

TO: JOEL LAURY, M.D.


The undersigned, Howard A. Zucker, M.D., J.D., Commissioner of Health, pursuant to N.Y. Public Health Law §230, upon the recommendation of a Committee on Professional Medical Conduct of the State Board for Professional Medical Conduct, has determined that the duly authorized professional disciplinary agency of another jurisdiction, the Commonwealth of Pennsylvania, has made a finding substantially equivalent to a finding that the practice of medicine by JOEL LAURY, M.D. (the Respondent), New York license number 187274, in that jurisdiction constitutes an imminent danger to the health of its people, as is more fully set forth in the "Order of Temporary Suspension and Notice of Hearing" and "Order Granting Continuance with Immediate Temporary Suspension Remaining in Effect" (henceforth: "predicate action"), attached hereto as Appendix "A" and made a part hereof.

It is therefore:

ORDERED, pursuant to N.Y. Public Health Law §230(12)(b), that effective immediately, Respondent shall not practice medicine in the State of New York.

Any practice of medicine in the State of New York in violation of this (Commissioner's) Order shall constitute Professional Misconduct within the meaning of N.Y. Educ. Law §6530(29) and may constitute unauthorized medical practice, a Felony defined by N.Y. Educ. Law §6512.

This Order shall remain in effect until the final conclusion of a hearing which shall commence within thirty days after the final conclusion of the disciplinary proceeding in the

predicate action. The hearing will be held pursuant to the provisions of N.Y. Pub. Health Law §230, and N.Y. State Admin. Proc. Act §§301-307 and 401. The hearing will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct on a date and at a location to be set forth in a written Notice of Hearing or Notice of Referral Proceeding to be provided to the Respondent after the final conclusion of the proceeding in the predicate action. Said written Notice may be provided in person, by mail, or by other means. If Respondent wishes to be provided said written notice at an address other than that set forth above, Respondent shall so notify, in writing, both the attorney whose name is set forth in this Order, and the Director of the Office of Professional Medical Conduct, at the addresses set forth below.

Respondent shall notify the Director of the Office
of Professional Medical Conduct, New York State
Department of Health, Riverview Center, 150
Broadway, Suite 355, Albany, New York 12204-
2719 via Certified Mail, Return Receipt
Requested, of the final conclusion of the
proceeding in the predicate action, immediately
upon such conclusion.

THESE PROCEEDINGS MAY RESULT IN A
DETERMINATION THAT YOUR LICENSE TO PRACTICE
MEDICINE IN NEW YORK STATE BE REVOKED OR
SUSPENDED, AND/OR THAT YOU BE FINED OR SUBJECT
TO OTHER SANCTIONS SET FORTH IN NEW YORK PUBLIC
HEALTH LAW §230-a. YOU ARE URGED TO OBTAIN AN
ATTORNEY TO REPRESENT YOU IN THIS MATTER.

DATED: Albany, New York
February 27th, 2019



Howard A. Zucker, M.D., J.D.
Commissioner of Health
New York State Health Department

Inquiries should be directed to:

Paul Tsui
Associate Attorney
Bureau of Professional Medical Conduct
Division of Legal Affairs
New York State Department of Health
Corning Tower, Room 2512
Albany, NY 12237
Phone: 518-473-4282

APPENDIX A

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BEFORE THE STATE BOARD OF MEDICINE

PHOTO NOTARY

2018 JUN 27 PM 2:40

Department of State

Commonwealth of Pennsylvania,
Bureau of Professional and
Occupational Affairs
vs.

File No.: 18-49-005696

Joel J. Laury, M.D.,
Respondent

Docket No: -49-18

ORDER OF TEMPORARY SUSPENSION AND NOTICE OF HEARING

AND NOW, this 27th day of June, 2018, upon review of the Petition for Temporary Suspension of the license to practice as a medical physician and surgeon held by Joel J. Laury, M.D. (*hereinafter* "Respondent"), license number MD055731L, filed by the Prosecuting Attorney for the Commonwealth of Pennsylvania, the State Board of Medicine (*hereinafter* "Board") makes the following findings and enters the following Order:

SUSPENSION ORDER

The Board finds the Prosecuting Attorney has alleged facts in the Petition, which, if taken as true, establish at each and every count that the Respondent's continued practice as a medical physician and surgeon within the Commonwealth of Pennsylvania, along with the exercise of any other licenses, registrations, certificates, approvals, authorizations, or permits (*hereinafter referred to collectively as* "authorizations to practice the profession") issued by the Board, makes Respondent an immediate and clear danger to the public health and safety. Therefore in accordance with Section 40(a) of the Medical Practice Act, Act of December 20, 1985, P.L. 457, No. 112, ("Act"), 63 P.S. § 422.40(a), the Board **ORDERS** that the license to practice as a medical physician and surgeon issued to the Respondent, license number MD055731L, along with any

other authorizations to practice the profession issued by the Board to Respondent, are **TEMPORARILY SUSPENDED** upon the service of this Order. Respondent shall surrender his wall certificate(s), biennial renewal certificate(s) and wallet card(s) (or notarized affidavit of their loss or destruction) to representatives of the Bureau of Enforcement and Investigation or the Bureau of Professional and Occupational Affairs, immediately upon service of this Order in accordance with Section 44 of the Act, 63 P.S. § 422.44.

PRELIMINARY HEARING

A preliminary hearing shall be scheduled and conducted by the Board or Office of Hearing Examiners to be convened within thirty (30) days from the date of issuance of this Order. The preliminary hearing shall be limited to evidence on the issue of whether there is a *prima facie* case to support the temporary suspension of the Respondent's license and other authorizations to practice the profession issued by the Board. The preliminary hearing will be held at a location designated by the Board or a hearing examiner for the Board.

The Respondent is entitled to be present at the preliminary hearing and may be represented by an attorney, cross-examine witnesses, inspect physical evidence, call witnesses, offer evidence and testimony and make a record of the proceedings.

If the Board or hearing examiner finds a *prima facie* case is not established, Respondent's license and other authorizations to practice the profession issued by the Board will be immediately restored. If a *prima facie* case is established, the temporary suspension shall remain in effect until vacated by the Board, but in no event longer than 180 days, unless otherwise ordered or agreed to by the participants.

ADDITIONAL FORMAL ACTION

In addition to this temporary suspension proceeding, the prosecuting attorney will commence a separate action to suspend, revoke or otherwise restrict Respondent's license and other authorizations to practice the profession issued by the Board through the filing of a charging document, an Order to Show Cause. The Order to Show Cause may include, but not be limited to, the facts which were alleged in the Petition for Immediate Temporary Suspension. Any Order to Show Cause filed by the prosecuting attorney will be served upon the Respondent and the Order will direct Respondent to reply to the charges in a written answer within twenty (20) days of the issuance of the Order to Show Cause. A formal hearing on that Order to Show Cause will then be scheduled and conducted by the Board or the Hearing Examiner for the Board.

PROCEDURES

Continuances will be granted for good cause only. A request for a continuance must be filed with the Prothonotary, in writing, at least one (1) week prior to the date of the hearing. The requirement of the one (1) week advance filing of a request for continuance will be waived only upon a showing of good cause. The failure to have an attorney present and a request for continuance to retain an attorney will not be considered a valid reason for the granting of a continuance on the day of the hearing. A request by the Respondent for an extension of time or a continuance which will delay the preliminary hearing or the formal hearing must be accompanied by the agreement of the Respondent that the 180-day temporary suspension will continue during whatever additional time is necessary to conclude the proceedings.

All proceedings are conducted in accordance with the Administrative Agency Law, 2 Pa.C.S. §§ 501-508, 701-704; 63 P.S. §§ 2201-2207; and the General Rules of Administrative Practice and Procedure, 1 Pa. Code §§ 31.1-35.251. A record of the hearing will be

stenographically prepared by an official reporting service. A copy of the transcript may be secured by personally making arrangements with the reporting service at the time of the hearing.

Any document submitted in this matter must be filed with:

Prothonotary
Pennsylvania Department of State
2601 North Third Street
P.O. Box 2649
Harrisburg, PA 17105
717-772-2686

Also, you must send a separate copy of any documents submitted in this matter to the prosecuting attorney named below at:

Keith E. Bashore, Prosecuting Attorney
Pennsylvania Department of State
P.O. Box 69521
Harrisburg, PA 17106-9521

**BY ORDER:
BEFORE THE STATE BOARD OF
MEDICINE PROBABLE CAUSE
SCREENING PANEL**

**Paul J. Valigorsky,
II, M.D.**
Committee Member


APPROVE Immediate Temporary
Suspension

DENY Immediate Temporary
Suspension

RECUSE FROM DECISION

**Charles A. Carile,
M.D.**
Committee Member

APPROVE Immediate Temporary
Suspension

DENY Immediate Temporary
Suspension

RECUSE FROM DECISION

**John M. Mitchell,
L.P., C.C.P.**
Committee Member

APPROVE Immediate Temporary
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Suspension

RECUSE FROM DECISION

Board Counsel:

Wesley J. Rish (A-L) or Peter D. Kovach (M-Z)

For the Commonwealth:

**Keith E. Bashore, Prosecuting Attorney
Pennsylvania Department of State
P.O. Box 69521
Harrisburg, PA 17106-9521**

Respondent:

**Joel J. Laury, M.D.
3 West Olive Street, Suite 201
Scranton, PA 18508**

Joel J. Laury, M.D.


File No.:

18-49-005696

Date of Issuance:

June 27, 2018

**BY ORDER:
BEFORE THE STATE BOARD OF
MEDICINE PROBABLE CAUSE
SCREENING PANEL**

**Paul J. Valigorsky,
II, M.D.
Committee Member**

APPROVE Immediate Temporary
Suspension

DENY Immediate Temporary
Suspension

RECUSE FROM DECISION

**Charles A. Castle,
M.D.
Committee Member**

APPROVE Immediate Temporary
Suspension

DENY Immediate Temporary
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RECUSE FROM DECISION

**John M. Mitchell,
L.P., C.C.P.
Committee Member**

APPROVE Immediate Temporary
Suspension

DENY Immediate Temporary
Suspension

RECUSE FROM DECISION

Board Counsel:

Wesley J. Rish (A-L) or Peter D. Kovach (M-Z)

For the Commonwealth:

**Kaith B. Bashore, Prosecuting Attorney
Pennsylvania Department of State
P.O. Box 69521
Harrisburg, PA 17106-9521**

Respondent:

**Joel J. Laury, M.D.
3 West Olive Street, Suite 201
Scranton, PA 18508**

Joel J. Laury, M.D.

File No.:

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BEFORE THE STATE BOARD OF
MEDICINE PROBABLE CAUSE
SCREENING PANEL.**

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L.P., C.C.P.
Committee Member**

APPROVE Immediate Temporary
Suspension

DENY Immediate Temporary
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RECUSE FROM DECISION

Board Counsel:

Wesley J. Rish (A-L) or Peter D. Kovach (M-Z)

For the Commonwealth:

**Keith E. Bashore, Prosecuting Attorney
Pennsylvania Department of State
P.O. Box 69521
Harrisburg, PA 17106-9521**

Respondent:

**Joel J. Laury, M.D.
3 West Olive Street, Suite 201
Scranton, PA 18508**

Joel J. Laury, M.D.

File No.:

18-49-005696

Date of Issuance:

June 27, 2018

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BEFORE THE STATE BOARD OF MEDICINE

PROTHONOTARY

2018 JUN 27 PM 2:40

Department of State

Commonwealth of Pennsylvania,
Bureau of Professional and
Occupational Affairs
vs.

File No.: 18-49-005696

Joel J. Laury, M.D.,
Respondent

Docket No: -49-18

PETITION FOR IMMEDIATE TEMPORARY SUSPENSION

AND NOW, the Commonwealth of Pennsylvania, Bureau of Professional and Occupational Affairs, by and through its Prosecuting Attorney, Keith E. Bashore, petitions the State Board of Medicine (*hereinafter* "Board") for the immediate temporary suspension of the license to practice as a medical physician and surgeon issued to Joel J. Laury, M.D. (*hereinafter* "Respondent"), along with any other licenses, registrations, certificates, approvals, authorizations, or permits (*hereinafter referred to collectively as* "authorizations to practice the profession") issued by the Board to Respondent at the time this Petition is Granted, pursuant to Section 40(a) of the Medical Practice Act, Act of December 20, 1985, P.L. 457, No. 112, ("Act") as amended, (*hereinafter* "Act"), 63 P.S. § 422.40(a), and in support thereof alleges as follows:

1. Petitioner is a Prosecuting Attorney for the Bureau of Professional and Occupational Affairs, a departmental administrative agency within the Pennsylvania Department of State.
2. Respondent holds the following license to practice as a medical physician and surgeon in the Commonwealth of Pennsylvania: license no.: MD055731L.
3. Respondent's license was originally issued on May 31, 1995, is current through December 31, 2018, and, absent further Board action, may be renewed, reactivated or reinstated thereafter upon the filing of the appropriate documentation and payment of the necessary fees.

4. At all times pertinent to the Factual Allegations, Respondent held a license to practice as a medical physician and surgeon in the Commonwealth of Pennsylvania.

5. Respondent's last known address on file with the Board is: 3 West Olive Street, Suite 201, Scranton, PA 18508; however, the prosecuting attorney has reason to believe that Respondent's current address is [REDACTED]

COUNT ONE

6. Paragraphs 1 through 5 are incorporated by reference.

7. On or about June 21, 2018, a Police Criminal Complaint and Affidavit of Probable Cause was filed by the Lackawanna County District Attorney's Office in Magisterial District Court No. 45-1-06 in Dunmore, PA in the matter of Commonwealth of Pennsylvania v. Joel Jerome Laury. A true and correct copy of said Police Criminal Complaint and Affidavit of Probable Cause is attached and incorporated as Exhibit A.

8. Annotated in the Affidavit of Probable Cause is the following: "The victim is an adult female who will be referred to in this affidavit of probable cause as J.C.."

9. Annotated in the Affidavit of Probable Cause is the following: "J.C. is twenty years old and a resident of Lackawanna County."

10. Annotated in the Affidavit of Probable Cause is the following: "J.C. is currently enrolled in the pre-physician's assistant program at a local university."

11. Annotated in the Affidavit of Probable Cause is the following: "A portion of the victim's program is spent engaging in career shadowing of physician assistants at local medical practices."

12. Annotated in the Affidavit of Probable Cause is the following: "J.C. stated this was her third day at Horizon Medical Group and she is working with Dr. Joel Laury, a local allergist, employed by Horizon Medical Group."

13. Annotated in the Affidavit of Probable Cause is the following: "J.C. stated on Thursday, June 21, 2018, she reported for her shadowing hours."

14. Annotated in the Affidavit of Probable Cause is the following: "At approximately 11:20, Dr. Laury approached J.C. and directed her to an exam room."

15. Annotated in the Affidavit of Probable Cause is the following: "Dr. Laury directed J.C. to remove her sweater."

16. Annotated in the Affidavit of Probable Cause is the following: "Dr. Laury was touching her neck and told her to feel his lymph nodes and pulses."

17. Annotated in the Affidavit of Probable Cause is the following: "Dr. Laury then locked the exam room and began to undo his necktie."

18. Annotated in the Affidavit of Probable Cause is the following: "J.C. stated he took his shirt off exposing his bare chest."

19. Annotated in the Affidavit of Probable Cause is the following: "Dr. Laury then told J.C. to lay on the exam table and he proceeded to take his pants off, leaving his underwear on."

20. Annotated in the Affidavit of Probable Cause is the following: "Dr. Laury then proceeded to lift J.C.'s dress up to her chest area, exposing the bottom half of her body."

21. Annotated in the Affidavit of Probable Cause is the following: "J.C. stated that Dr. Laury began to touch her in the groin area."

22. Annotated in the Affidavit of Probable Cause is the following: "J.C. stated that she got up from the exam table and Dr. Laury told her to put her sweater back on."

23. Count One of the Police Criminal Complaint charged Respondent with the offense of Indecent Assault, a second degree misdemeanor in violation of 18 Pa. C.S. §3126(a)(1).

24. Count Two of the Police Criminal Complaint charged Respondent with the offense of Open Lewdness, a third degree misdemeanor in violation of 18 Pa. C.S. §5901.

25. Count Three of the Police Criminal Complaint charged Respondent with the offense of Harassment, a summary offense in violation of 18 Pa. C.S. §2709(a)(1).

26. Respondent is charged with an offense that is considered a sexually violent offense, pursuant to the Sex Offender Registration and Notification Act ("SORNA"), Act 111 of 2011 (as amended by Act 91 of 2012), 42 Pa. C.S. §9799.10 et. seq. See 42 Pa. C.S. §9799.12.

27. Respondent is charged with one (1) count of Indecent Assault, 18 Pa. C.S. §3126, which is a Tier I sexual offense requiring the Respondent to register as a sexual offender for a period of fifteen (15) years, if convicted. See 42 Pa. C.S. §§9799.14(b)(9) and 9799.15(a)(1).

28. In passing SORNA, the Pennsylvania General Assembly explicitly found the following:

(4) Sexual offenders pose a high risk of committing additional sexual offense and protection of the public from this type of offender is a paramount governmental interest.


(5) Sexual offenders have a reduced expectation of privacy because of the public's interest in public safety and the effective operation of government.

42 Pa. C.S. §9799.11 (a)(4)-(5).

29. Based upon the foregoing factual allegations, the Respondent's continued practice as a medical physician and surgeon within the Commonwealth of Pennsylvania, along with the exercise of any other authorizations to practice the profession issued by the Board, makes Respondent an immediate and clear danger to the public health and safety.

WHEREFORE, the Petitioner respectfully requests that the Board issue an Order immediately suspending all of Respondent's authorizations to practice the profession issued by the Board, and in particular, the license to practice as a medical physician and surgeon, license number MD443786, pursuant to the authority granted to it pursuant to Section 40(a) of the Medical Practice Act, Act of December 20, 1985, P.L. 457, No. 112, ("Act"), 63 P.S. § 422.40(a).

Respectfully submitted,


Keith E. Bashore
Prosecuting Attorney
Commonwealth of Pennsylvania
Department of State
P.O. Box 69521
Harrisburg, PA 17106-9521
(717) 783-7200

DATE: 6/27/18

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BEFORE THE STATE BOARD OF MEDICINE**

Commonwealth of Pennsylvania,)
Bureau of Professional and)
Occupational Affairs)
)
v.)
)
Joel J. Laury, M.D.,)
Respondent)

File No. 18-49-005696

**ORDER GRANTING CONTINUANCE WITH IMMEDIATE TEMPORARY
SUSPENSION REMAINING IN EFFECT**

AND NOW, this 25th day of July 2018, upon consideration of the Joint Motion for Continuance, the preliminary hearing being scheduled for July 27, 2018, and upon further consideration of Respondent's waiver of his right to a preliminary hearing within 30 days and Respondent's agreement to toll the 180-day statutory limit on the temporary suspension, it is **ORDERED** as follows:

1. The motion is **GRANTED** and the preliminary hearing scheduled for July 27, 2018 is continued.
2. The 180-day statutory time period for the temporary suspension under section 40(a) of the Medical Practice Act, Act of December 20, 1985, P.L. 457, No. 112, *as amended*, 63 P.S. §422.40(a), is tolled.
3. The temporary suspension of the Respondent's license to practice as a medical physician and surgeon, License No. MD055731L, as ordered by the State Board of Medicine's Probable Cause Screening Panel on June 27, 2018, shall remain in effect indefinitely, until the preliminary hearing in this matter is rescheduled or until otherwise

ordered. Respondent may at any time request the rescheduling of the preliminary hearing.

BY ORDER:



David M. Green
Hearing Examiner

Respondent's Attorney: Mark D. Bradshaw, Esquire
17 North Second Street
16th Floor
Harrisburg, PA 17101

Commonwealth Attorney: Keith E. Bashore, Esquire
Tara J. Smith, Esquire

Board Counsel: Peter D. Kovach, Esquire
Wesley Rish, Esquire

Date of Mailing: 7/26/10